

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE**

WAIVER OF INDICTMENT

1. Gary Earl, the above named defendant, who is accused of violating 21 U.S.C. § 841(a)(1) and (b)(1)(B) (possession with intent to distribute a controlled substance), being advised of the nature of the charges and of his rights, hereby knowingly, voluntarily and intelligently waives prosecution by indictment and consents that the proceeding may be by information instead of by indictment.
2. The defendant understands that (a) unless he waives indictment, he could not be charged with these offenses unless the Grand Jury found probable cause to believe he committed the offense and returned an indictment; (b) the Grand Jury is composed of at least sixteen, but not more than twenty-three lay persons, and at least twelve of those grand jurors must find probable cause to believe that the defendant committed the offenses before an indictment could be returned; and (c) by waiving indictment, the Government will be proceeding by a document written by the United States Attorney and called an information and the defendant will be prosecuted on that information, rather than on an indictment.
3. The defendant has read and reviewed with his counsel the charges in the Information, and is satisfied that his counsel has properly explained the charges and this waiver to him.

4. No one has made the defendant any promises or threatened or forced the defendant to waive indictment.

Gary Earl
Gary Earl
Defendant

Date: March 31, 2008

Keir Bradford
Keir Bradford, Esq.
Counsel for Defendant

